

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 STEVEN W. GREEN,

1:12-cv-01083-MJS-(HC)

12 Petitioner,

ORDER TRANSFERRING CASE TO THE
UNITED STATES DISTRICT COURT FOR
THE CENTRAL DISTRICT OF
CALIFORNIA

13 v.

14 KAMALA HARRIS,

15 Respondent.
16 _____ /
17

18 Petitioner, a state prisoner proceeding pro se, has filed a habeas corpus action
19 pursuant to 28 U.S.C. § 2254.

20 On July 5, 2011, Petitioner filed the instant petition with the Court. (Pet., ECF No. 1.)
21 The petition challenges Petitioner's 2007 conviction from the Los Angeles County Superior
22 Court.

23 The federal venue statute requires that a civil action, other than one based on diversity
24 jurisdiction, be brought only in "(1) a judicial district where any defendant resides, if all
25 defendants reside in the same state, (2) a judicial district in which a substantial part of the
26 events or omissions giving rise to the claim occurred, or a substantial part of the property that
27 is the subject of the action is situated, or (3) a judicial district in which any defendant may be
28 found, if there is no district in which the action may otherwise be brought." 28 U.S.C. §

1 1391(b).

2 However, venue for a habeas action is proper in either the district of confinement or the
3 district of conviction. 28 U.S.C. § 2241(d). The district court for the district wherein such an
4 application is filed in the exercise of its discretion and in furtherance of justice may transfer the
5 application to the other district court for hearing and determination. Id.

6 It is preferable for petitions challenging a conviction or sentence to be heard in the
7 district of conviction while petitions challenging the manner in which the sentence is being
8 executed be heard in the district of confinement. Dunne v. Henman, 875 F.2d 244, 249 (9th
9 Cir. 1989). In this case, Petitioner is challenging the judgment relating to his conviction which
10 occurred in Los Angeles County, California. As Los Angeles County is located in the Central
11 District of California, all of the material events, records, and witnesses are located in that
12 district. In the interest of justice, the petition will be transferred to the United States District
13 Court for the Central District of California. 28 U.S.C. §§ 1404(a) and 2241(d).

14 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United
15 States District Court for the Central District of California.

16
17 IT IS SO ORDERED.

18 Dated: July 14, 2012

/s/ Michael J. Leng
UNITED STATES MAGISTRATE JUDGE